

HISTORICAL RECORD OF FALEOMAVAEGA'S OPPOSITION TO CONSTRUCTION OF McDON- ALD'S AT UTULEI BEACH

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 2014

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to include, for historical purposes, information about my opposition to the construction of a McDonald's at Utulei Beach.

[Press Release, May 25, 2005]

FALEOMAVAEGA CALLS UPON McDONALDS CORPORATE OFFICERS TO INTERVENE AND HALT CONSTRUCTION AT UTULEI BEACH

Congressman Faleomavaega announced today that he has written to Mr. Charles Tautolo, President and CEO of McDonalds American Samoa Franchise, and has expressed his opposition to construction of a McDonalds at Utulei Beach. A copy of the Congressmans letter dated May 25, 2005 and copied to the Governor, the Lieutenant Governor, the President of the Senate and Senators, the Speaker and Representatives, the Vice Chairman and CEO of the McDonalds Corporation, and the Managing Director/CEO of McDonalds Australia, is included below:

Dear Mr. Tautolo:

I am writing to express my opposition to your decision to build a McDonalds restaurant at the Utulei Beach Park in American Samoa. I am also requesting a copy of your feasibility study pertaining to this proposed location.

It is my understanding that as a responsible corporation it has been the practice of McDonalds to conduct a feasibility study and/or an environmental impact assessment of a proposed site before construction of a new facility may proceed. I am hopeful that this is also the case in American Samoa and, for this reason, I would appreciate a copy of your study.

I also believe McDonalds feasibility study for the Utulei Beach Park should be shared with the people of American Samoa because they deserve to know what impact your proposed restaurant will have on the welfare of our community. While I applaud the many valuable contributions McDonalds has made in American Samoa, I do not believe your current plans are sensitive to the social and environmental concerns of our Territory.

Since the day McDonalds announced plans to build on the Utulei Beach, which is the only public beach in American Samoa, my office has been inundated with calls from constituents voicing their objections to your proposal. I have read of further complaints in our local papers and the Senate has passed a resolution recommending that the Governor not finalize the McDonalds lease.

I have also received a petition signed by water sport organizations incorporated in the U.S. Territory of American Samoa which includes Executive Committee Members of the American Samoa National Olympic Committee. Organizations opposed to the construction of a McDonalds at the Utulei Beach include the American Samoa Kayak Canoe Association Inc., the American Samoa Swimming Association Inc., the American Samoa Canoe Racing Association Inc., the Aiga Tautai O Samoa Inc., the American Samoa Yacht Racing Association Inc., the American Samoa Surfing Association Inc., the Pago Pago Game Fishing Association Inc. and Common Cause.

Aquatic sports such as sailing, canoeing, and yachting are flourishing at Utulei Beach. International sailing and especially outrigger events which celebrate our proud heritage have been hosted at Utulei Beach

and, in time, Utulei Beach may become a major tourist attraction. It is also my understanding that Utulei Beach offers the only stretch of shoreline where outrigger canoes and fautausi, or longboats, can enter deep water via the natural channel through the reef.

More importantly, Utulei Beach has been enjoyed by the people of American Samoa for generations and, in keeping with traditional Samoan culture, families travel for miles to swim or picnic at this public location so as to respect the more restrictive customs set forth by each village council. For many reasons, including the historical and social significance it holds for our families and the economic implications it has for our future, Utulei Beach must be preserved. This is why federal funds have been appropriated to finance the Utulei Beach Project which was included as a priority project for the Community Development Block Grant Program.

These are facts which I believe must be shared with the McDonalds Corporation and given the importance of this issue I am copying this letter to Mr. Jim Skinner, Vice Chairman and Chief Executive Officer, as well as Mr. Peter Bush, Managing Director/CEO, McDonalds Australia. I am also informing both that there are other sites available for construction of another McDonalds in American Samoa.

Also, with the popularity McDonalds enjoys in American Samoa, I am confident that the people of American Samoa will appreciate, support and welcome another McDonalds in any location other than Utulei Beach. In turn, McDonalds must be sensitive to the wishes of our people. The McDonalds Corporation has built its reputation on being a responsible corporate partner and invests millions of dollars to promote family values.

Therefore, I am hopeful that this issue will be immediately resolved at the corporate level. However, if I must go to the House Floor on a daily basis to express my outrage about McDonalds unwillingness to respect the publics concerns regarding your proposed lease agreement with the local government, I will have no choice but to do so.

Sincerely,

ENI F.H. FALEOMAVAEGA

Member of Congress.

cc: Gov. Togiola Tulafono; Lt. Gov. Ipulasi Aitofele Sunia; President of the Senate and Senator; Speaker of the House and Representatives; Mr. Jim Skinner, Vice Chairman & CEO, McDonalds Corporation; Mr. Peter Bush, Managing Director/CEO, McDonalds Australia

I am hopeful that this matter will be resolved locally but, if not, I have called upon the McDonalds Corporation to immediately intervene and put an end to construction at Utulei Beach. Constructing a McDonalds at the only public beach in American Samoa goes against the core values of the McDonalds Corporation which promotes an agenda of community involvement, environmental protection, and a promise to earn the trust of its customers and everyone else affected by its business. It is time for McDonalds to live up to its promise and I trust that all involved will do right by the people of American Samoa, the Congressman concluded.

[Press Release, June 29, 2005]

FALEOMAVAEGA AND McDONALDS MEET TO
DISCUSS CONSTRUCTION AT UTULEI BEACH

Congressman Faleomavaega announced today that Mr. Bo Bryant, Director of Federal Government Relations for the McDonalds Corporation, contacted his office on June 17, 2005 and requested a meeting to discuss the controversy surrounding the potential construction of a McDonalds at Utulei beach. The meeting was held yesterday in the Congressmans Washington office and Ms. Nicole E. Storey, a Government Relations

Specialist for McDonalds, also attended the meeting. The meeting was in response to Congressman Faleomavaegas letter to Mr. Charles Tautolo dated May 25, 2005 and copied to the Vice Chairman and CEO of the McDonalds Corporation.

My meeting with Mr. Bryant was very worthwhile, the Congressman said, and I am pleased that the McDonalds corporation is taking this issue seriously. McDonalds has built its reputation on being a good corporate citizen and upholding the values of the communities which it serves and, today, the McDonalds corporation has demonstrated that the people of American Samoa matter.

My job is to make sure that your concerns on behalf of the people are heard and addressed, Mr. Bryant told the Congressman, and we are only at the beginning of this process. Mr. Bryant gave the Congressman his personal assurances that he would report back to his leadership about the concerns the Congressman raised in the meeting and that he would also keep Congressman Faleomavaega updated as this matter progresses.

From the outset, I made it clear that the people of American Samoa will support the establishment of another McDonalds at any location other than our only public beach. However, as I explained to Mr. Bryant, there is no point of compromise when it comes to Utulei beach and I remain hopeful that this situation can be diffused.

While I appreciate the contributions Mr. Tautolo has made to the local community, I expressed my concerns about the feasibility study that should have been conducted before any kind of contractual agreement was entered into between McDonalds and our local government. In fact, I informed Mr. Bryant that I had requested a copy of the feasibility study but, to date, I have not received a copy or a response to my request, Faleomavaega said.

Mr. Bryant said that he was not aware of whether or not a feasibility study had been conducted and he thought that at least four or five more permits still needed to be acquired and, without those, construction could not begin. He said it was also his understanding that a public hearing would be scheduled in the near future and he asked if I would like to participate. I told him that if my schedule permits I will definitely participate.

I also informed Mr. Bryant that our local Senate passed a resolution opposing construction at Utulei beach and that Mr. Roy Hall, the general counsel for the Senate, is questioning the legality of the lease agreement. By law, any lease agreement that extends beyond 10 years must be approved by our Legislature. In this instance, it is my understanding that a lease agreement was signed between McDonalds and ASG for 9 years, 11 months and 29 or so days with an option to renew for 30 years.

Mr. Bryant said he was not aware of these developments and expressed concern about the questions surrounding the lease agreement. As Mr. Bryant agreed, use of the McDonalds name is not just a local issue. McDonalds is a global corporation worth approximately \$36 billion and the corporation is very protective of its name.

If we were talking about a local fast-food operation not affiliated with a national or international chain, then this would be a local issue. But we are not talking about a village store. We are talking about McDonalds and, therefore, the McDonalds corporation is interested in what is happening in American Samoa, the Congressman said.

At this time, I am very pleased that the McDonalds corporation is committed to re-viewing the legal and social aspects of constructing a McDonalds at Utulei beach. I am also pleased that Mr. Bryant has agreed to keep my office informed about any new developments in this case. In turn, I am reviewing the possibility of introducing federal legislation to include Utulei beach as part of the National Park of American Samoa so as to prevent any company including but not limited to KFC, Burger King, Pizza Hut, or local businesses from building at this site.

I believe we must not only resolve the immediate crisis facing us but we should also protect ourselves in the future from any other corporation seeking to build at Utulei beach. Utulei beach offers the only stretch of shoreline where outrigger canoes and fautasi, or longboats, can enter deep water via the natural channel through the reef and, out of respect and reverence for our Samoan traditions and customs, I believe we must work together to preserve Utulei beach.

On a separate matter, I also mentioned to Mr. Bryant that I am concerned that American Samoa is being treated like a foreign country by the McDonalds corporation. It does not make sense to me why we have to get permission from Australia in order to establish a McDonalds in American Samoa. American Samoa is a territory of the United States and our local owners ought to be able to do business with McDonalds in America, not Australia.

I also expressed my concerns about the previous lease agreement done for McDonalds at the current site in Tafuna. It is my understanding that the previous lease agreement between ASG and McDonalds stipulates that all lawsuits must be filed in Australia and be subjected to Australian law. This is not fair to ASG or to anyone in American Samoa and I suggested that the attorneys in Australia representing McDonalds should be more ethical in the contracts they put forward in this territory.

While I have not heard from McDonalds Australia regarding construction at Utulei beach, I appreciate Mr. Bryant's efforts in meeting with me and I thanked him for the great service McDonalds is currently providing in American Samoa. The people of American Samoa welcome and support McDonalds and we continue to remain hopeful that this situation can be favorably resolved, the Congressman concluded.

[Press Release, Apr. 22, 2006]

FALEOMAVAEGA RESPONDS TO GOVERNORS RECENT COMMENTS ABOUT MCDONALDS

Congressman Faleomavaega announced today that he is responding to the Governors comments published by Samoa News on April 17, 2006 regarding the McDonalds controversy. Togiola responded directly to Faleomavaegas public support of the National Parks position on the Utulei Beach Park lease saying, the congressman is not the federal judge for American Samoa yet, so he should wait until he knows all the facts.

He has not even asked us about this matter. He is basing his opinion on one side only. He should really learn to ask people who live here first before he goes off and releases these kinds of statements, said Togiola.

I am saddened by the Governors comments, Faleomavaega said. As part of a free and democratic society, each of us is entitled to a difference of opinion but it is beneath the office of an elected official to make false claims and stoop to name-calling. I am not nor do I ever desire to be a federal judge and my position regarding McDonalds has been clear from the beginning. I stand with the people of American Samoa in opposition to this deal.

Unlike the Governor, I have heard what our people have to say and my office has been inundated with calls opposing the construction of a McDonalds at the only public beach in American Samoa. Furthermore, the Governor has known of my opposition since May 25, 2005 almost a year ago at which time I copied him on my letter to Mr. Charles Tautolo of McDonalds in American Samoa. I also copied our Fono as well as the CEO of the McDonalds Corporation headquartered in Illinois.

Nearly a year ago, on June 28, 2005, I also met with the Director of Federal Government Relations for the McDonalds Corporation and expressed my grave concerns about McDonalds failure to conduct a feasibility study, Faleomavaega said. Based on a press release I issued, our local media published the details of this meeting in which I informed the Director that the people of American Samoa would support the construction of a McDonalds anywhere else in American Samoa but not at Utulei Beach Park.

Utulei Beach is our only public beach and preserving it now and for future generations is what is best for American Samoa. This is why our people want a public hearing. So let the hearing begin. And when it begins, let us question its purpose since the Governor has already signed the lease and made his decision before listening to the people.

As we carefully consider this matter, let us also be very clear about ASGs involvement with the National Park Service (NPS). According to the NPS, ASG entered into a contractual agreement with NPS in 1995 placing Utulei Beach Park within the Land and Water Conservation Fund Program (LWCF) as park land dedicated to public outdoor recreational use in perpetuity which means forever. ASG has also accepted over \$4 million since signing the agreement.

As I stated previously, if our local government makes a promise to the federal government and accepts grant money and then decides the terms of the agreement are inconvenient and no longer apply, it sends the message that American Samoa does not respect the federal grant process and therefore should not be trusted with any federal money. This is the wrong message to send to Congress and the wrong message to send to the US Department of the Interior.

For this reason, I am trying to prevent a confrontation or a legal battle between the US Department of the Interior and ASG. While the Governor has suggested that I do not have the facts, the truth is I have copies of every letter exchanged between the NPS and Governor Togiola which began on May 16, 2005 and continue to March 28, 2006. I also have copies of survey maps and the Governor has also been provided with these maps on more than one occasion. In other words, the Governor knows that the lease that was signed places the proposed McDonalds within a protected park area and violates ASGs agreement with the NPS. This said, I remain hopeful that we can find a favorable solution to a local issue that should have never escalated to a federal problem, Faleomavaega concluded.

HONORING JACK ROTZIEN ON HIS 90TH BIRTHDAY

HON. LUKE MESSER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 2014

Mr. MESSER. Mr. Speaker, I rise today to honor my grandfather, Jack Rotzien, on his 90th birthday.

Born and raised in Holmesville, Indiana, my grandfather has spent the past 90 years of his life exemplifying what it means to be a Hoosier. At 20 years old he joined the U.S. Army and fought in World War II. During the war, he was stationed at Wendling Air Force base in England where he served as the gunnery teacher for the troops. After graduation from Indiana University, my grandfather worked in the retail industry with both L. S. Ayres and Maison Blanche in Indiana. He worked hard for decades to provide for his family. Now that he is retired, he spends time at his VFW post and has found passion in speaking with students about his time in the military.

While he has made many professional contributions to our state and our country, he has also had a significant impact on me and my family. I will never forget the summer vacations my brother, mother and I used to take with my grandfather. One year, we all visited Lake Okeechobee in Florida because he knew how much we loved to go fishing. We spent the week sitting by the lake and must have caught nearly a hundred fish (or at least that's how I remember it). This is just one memory I cherish. I also remember the time my brother was almost eaten by an alligator—but, that's another story.

This year my grandfather's birthday will fall on Thanksgiving Day, which gives me an even greater opportunity to give thanks for the role he has played in my life. My grandfather is a man of compassion, strength, and faith and I am privileged to have had his love and guidance over the last 45 years. I hope that he knows how much he has meant to me and I look forward to the many memories we will continue to make with one another. Today, I wish him a happy 90th birthday as he celebrates this milestone in his life.

TRIBUTE TO THE OWLS' WHIST CLUB, INC.

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 2014

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to the Owls Whist Club, Inc., a historic organization founded 100 years ago in Charleston, SC. The club was founded on February 14, 1914 as something that was—in the words of their founding charter “strictly social and for the entertainment of our friends.” It was founded by a group of African American men and is one of the oldest social clubs of its kind in the United States.

On November 26, 2014, they will be hosting their Annual Thanksgiving Eve event to continue their 100th anniversary celebration, and I plan to be in attendance.

The earliest available records of the organization are the official minutes of their meetings and their constitution that was written in 1924. The original members numbered sixteen, and when Arthur Clement, Jr. wrote “A Brief History—Owls' Whist Club” in 1950, he stated that Frank W. Dawson, the first host, was a barber.

Each year the members hold a black tie affair. Many of these events were held at Dart Hall, which back then was the “Negro Branch” of the Charleston County Library. The members decided in 1939 that they would buy land and build their own place to hold events, and in 1945 they did just that. They purchased two